

1 JOHN M. NEUKOM (CA Bar No. 275887)
johnneukom@quinnemanuel.com

2 JORDAN R. JAFFE (CA Bar No. 254886)
jordanjaffe@quinnemanuel.com

3 QUINN EMANUEL URQUHART &
SULLIVAN, LLP

4 50 California Street, 22nd Floor
San Francisco, California 94111

5 Telephone: (415) 875-6600
Facsimile: (415) 875-6700

6 DANIEL B. OLMOS (CA Bar No. 235319)

7 dolmos@nbbolaw.com

NOLAN, BARTON, BRADFORD, OLMOS LLP

8 600 University Avenue
Palo Alto, CA 94301

9 Telephone: (650) 326-2980
Facsimile: (650) 326-9704

10 Attorneys for Plaintiff FORTINET, INC.

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13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**
15 **SAN FRANCISCO DIVISION**

16 FORTINET, INC., a corporation

17 Plaintiff,

18 vs.

19 SOPHOS, INC., a corporation, MICHAEL
VALENTINE, an individual, and JASON
CLARK, an individual.

20 Defendants.

21 SOPHOS INC. and SOPHOS LTD.,
22 corporations,

23 Counterclaim Plaintiffs,

24 vs.

25 FORTINET, INC., a corporation,

26 Counterclaim Defendant.

Case No. 3:13-cv-05831-EMC (DMR)

**DECLARATION OF GRANT N.
MARGESON IN SUPPORT OF
FORTINET, INC.'S
ADMINISTRATIVE MOTION TO
FILE UNDER SEAL PORTIONS OF
FORTINET INC.'S MOTION FOR
PARTIAL SUMMARY JUDGMENT
AND SUPPORTING EXHIBITS
THERE TO**

1 I, Grant N. Margeson, declare as follows:

2 1. I am an attorney licensed to practice in the State of California and am admitted to
3 practice before this Court. I am an associate with the law firm Quinn Emanuel Urquhart &
4 Sullivan, LLP, counsel for the Plaintiff and Counterclaim Defendant Fortinet, Inc. ("Fortinet"). I
5 have personal knowledge of the matters set forth in this Declaration, and if called as a witness I
6 would testify competently to those matters.

7 2. I make this declaration in support of Fortinet's Administrative Motion to File
8 Under Seal Portions of Fortinet Inc.'s Motion for Partial Summary Judgment and Supporting
9 Exhibits Thereto. The Administrative Motion seeks an Order sealing portions of Fortinet's
10 Motion for Partial Summary Judgment, portions of Exhibits 13 and 16 to the Declaration of Jordan
11 R. Jaffe, the entirety of Exhibits 5, 6, 14, and 15 to the Declaration of Jordan R. Jaffe, portions of
12 Exhibit 1 to the Declaration of Angelos Stavrou, and portions of Exhibit 1 to the Declaration of
13 Seth Nielsen.

14 **Information Designated as Confidential by Fortinet**

15 3. Fortinet seeks to seal those portions of documents that Fortinet has designated as
16 "Highly Confidential – Source Code" and "Highly Confidential – Attorneys Eyes Only" under the
17 Protective Order. Dkt. No. 63. Specifically, the Motion for Partial Summary Judgment and
18 Exhibits 13 and 16 to the Declaration of Jordan R. Jaffe reference Fortinet's confidential source
19 code and product functionality.

20 4. The operation and functionality of Fortinet's proprietary source code and products
21 is highly confidential. The public disclosure of this information would give Fortinet's competitors
22 access to private source code as well as in depth descriptions—and analysis—of the functionality
23 of Fortinet's products. If such information were made public, Fortinet's competitive standing
24 would be harmed. With respect to both Exhibits 13 and 16, Fortinet has narrowly tailored its
25 redactions so as to only seal information that Fortinet must keep confidential for competitive
26 reasons.

27 **Information Designated as Confidential by Sophos**

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